



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

A

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,809	02/29/2000	Steve Trong	CISCO-1937	9991

7590 07/14/2005

Timothy A Brisson
Sierra Patent Group Ltd
PO Box 6149
Stateline, NV 89449

EXAMINER

BROWN, CHRISTOPHER J

ART UNIT	PAPER NUMBER
	2134

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/515,809	TRONG, STEVE
	Examiner	Art Unit
	Christopher J. Brown	2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 April 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3,5-9,11,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3,5-9,11,13,14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Response to Amendment

1. With regards to the prior objections to claims 1, and 9 the applicant has overcome them, and they have been removed.

Applicant's arguments filed 4/15/2005 have been fully considered but they are not persuasive.

As per claim 1, the applicant argues that Housel III does not teach storing a base layer within a checkpoint server. The examiner disagrees. As per the applicants specification this includes source and destination addresses (page 5). Housel teaches a protocol cache including storing synchronization data, and data segments, (Col 13 lines 44-47, Col 14 lines 26-32). The examiner asserts that the segments Housel stores inherently have headers with source and destination addresses, and the synchronization data Housel teaches inherently has source and destination addresses as part of its protocol for identification.

As per claim 5, the applicant argues that Housel III does not teach storing data regarding at least one connection within said checkpoint server. The examiner disagrees. Housel teaches storing a variety of data in the checkpoint server as stated above. This data is with regards to the connection between a client and a server.

Rejection of all other claims can be found in the previous action, as stated below:

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Housel III US 5,907,678.

As per claims 1 and 9,

Housel III teaches a communication system having a checkpointing server, (Col 14 lines 15-33).

Housel III teaches having unique identifiers, (Col 16 lines 35-39). Housel III teaches determining whether there has been a change of state for an existing connection, (Col 14 lines 15-22).

Housel teaches checkpointing data with said unique identifier and using checkpointed data to re-establish connection in said communication system, (Col 14 lines 20-33). Housel teaches that a router is part of the communications network, (Col 1 line 35).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Claims 3, 5-8, 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Housel III US 5,907,678 in view of Friedman US 6,151,679

As per claims 5, 6, 7, and 13, Housel III teaches a communication system having a checkpointing server, (Col 14 lines 15-33). Housel III teaches having unique identifiers, (Col 16 lines 35-39). Housel III teaches determining whether there has been a change of state for an existing connection, (Col 14 lines 15-22). Housel teaches checkpointing data with said unique identifier and using checkpointed data to re-establish connection in said communication system, (Col 14 lines 20-33). Housel teaches that a router is part of the communications network, (Col 1 line 35). Housel does not teach firewalls. Housel III does not teach encoding said checkpoint data. Friedman teaches the use of routers as firewalls in a communications system, (Col 4 lines 8-13). Friedman teaches encrypting data through the router, (Col 4 lines 13-16). It would have been obvious to one of ordinary skill in the art to encrypt the checkpointed data so that it was protected from tampering, thus enhancing system security.

As per claims 3, 6, 8, 11, and 14, Housel teaches recovering checkpointed data to reestablish a connection, (Col 14, lines 20-33). Housel teaches use of a router in communications, (Col 1 line 35). Housel does not teach firewalls.

Friedman teaches the use of routers as firewalls in a communications system, (Col 4 lines 8-13). It would have been obvious to one of ordinary skill in the art to use the firewall router of Friedman in the checkpoint system of Housel to protect clients from hackers and viruses.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown

6/30/05



GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100